

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

HAWAII-PACIFIC APPAREL GROUP,  
INC.,

Plaintiff/Counterclaim Defendant,

-against-

CLEVELAND BROWNS FOOTBALL  
COMPANY LLC and NATIONAL  
FOOTBALL LEAGUE PROPERTIES, INC.,

Defendants/Counterclaim Plaintiffs.

Case No.: 04 CV 7863 (DC)

**FINAL JUDGMENT BY CONSENT**

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 12/22/06

This Final Judgment By Consent Against Plaintiff/Counterclaim Defendant

Hawaii Pacific Apparel Group, Inc. ("Final Judgment") is ordered by the Court as of the date indicated below, and consented to by Defendants/Counterclaim Plaintiffs Cleveland Browns

Hawaii-Pacific Apparel Group, Inc. v. Cleveland Browns Football Company LLC et al. Doc. 52

to Defendant/Counterclaim Plaintiff National Football League Properties, Inc. and Plaintiff/Counterclaim Defendant Hawaii-Pacific Apparel Group, Inc. ("HP").

WHEREAS, on or about October 6, 2004, HP commenced an action in the United States District Court for the Southern District of New York (the "Court"), entitled Hawaii-Pacific Apparel Group, Inc. v. Cleveland Browns Football Company LLC and National Football League Properties, Inc., Civil Action 04 CV 7863 (DC) (the "Action"), alleging that the Browns' and NFLP's use of the designation "DAWG POUND" constitutes, inter alia, federal trademark infringement;

WHEREAS, on or about December 3, 2004, the Browns and NFLP filed and served an Answer, Affirmative Defenses and Counterclaims, alleging that HP's use of the designation "DAWG POUND" and "LIL DAWG POUND" constitutes, inter alia, federal trademark infringement;

WHEREAS, on or about February 11, 2006, HP filed and served a First Amended Reply And Counterclaims for Copyright Infringement;

WHEREAS, HP and the Browns and NFLP wish to resolve their dispute without the necessity of further litigation.

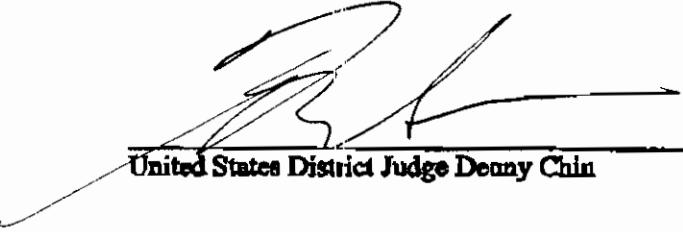
NOW, THEREFORE, upon the foregoing and the consent of the parties hereto and their undersigned attorneys, it is hereby

**ORDERED, ADJUDGED and DECREED:**

1. That this action be and is hereby dismissed with prejudice.
2. This Court has jurisdiction over the parties and over the subject matter of this dispute and shall retain continuing subject matter and personal jurisdiction for the purpose of construing or enforcing the terms of this Final Judgment, or for resolving any dispute arising thereunder.
3. Each party shall bear its own costs and disbursements.
4. There shall be no appeal herefrom.

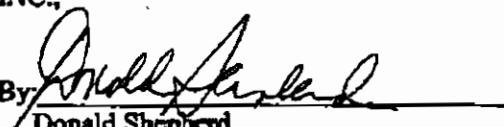
SO ORDERED:

Dated: 12/22/06

  
United States District Judge Denny Chin

Entry of the foregoing Final Judgment by Consent is hereby consented to by:

HAWAII-PACIFIC APPAREL GROUP,  
INC.

By:   
Donald Shepherd  
Chief Executive Officer

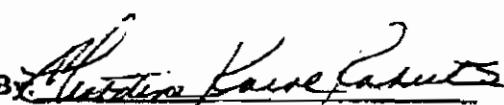
NFL PROPERTIES LLC

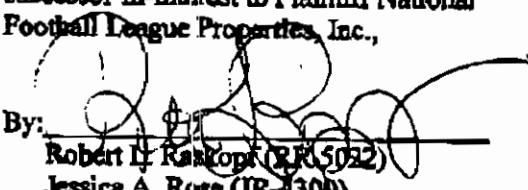
By:   
Gary Gertzog  
Senior Vice President and General  
Counsel

CLEVELAND BROWNS FOOTBALL  
COMPANY LLC

By:   
QUINN EMANUEL URQUHART OLIVER  
& HEDGES, LLP  
Attorneys for Cleveland Browns Football  
Company LLC and NFL Properties, LLC, as  
successor-in-interest to Plaintiff National  
Football League Properties, Inc.,

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